

Appl. No. 09/693,019

APP 1204

Amdt. April 20, 2004

Reply to Office Action of February 3, 2004

**REMARKS/ARGUMENTS**

The specification is being amended to correct minor errors therein, to improve its readability, and to properly identify Figures 8A, 8B, 9A, 9B, 10A, and 10B.

With respect to the Examiner's objections to certain claims, claims 2, 3, 4, 8, 12, 13, and 14 have been amended as suggested by the Examiner; claim 1 has been canceled. With respect to the Examiner's rejection, 35 USC 112, second paragraph, of claims 2, 8 and 13, these claims have been amended to delete the recitations of "short lived" tunnel and "brief" time-out period. Reconsideration and withdrawal of the Section 112 rejection of these claims are therefore requested.

Applicants note with appreciation that the Examiner has indicated that claims 3, 4, 9, 10, 14, and 15 are allowable, in the section of the Office Action entitled Allowable Subject Matter. However, applicants have amended these claims to maintain a consistency of terminology by reciting nodes and mobile stations, rather than mobile nodes or mobile terminals.

The Examiner rejected claim 6, 35 USC 101, and claims 1, 7, 11, 12, and 16, 35 USC 103(a), as being unpatentable over Liao's 1999 IEEE International Conference paper, hereinafter "Liao", in view of La Porta et al patent 6,434,134, hereinafter "LaPorta". In response thereto applicants have canceled claims 1, 6, 11, and 16 and have amended claims 7 and 12.

Applicants respectfully submit that the Examiner has misread the Liao paper. Liao assigns a unique identifier to the user's mobile station, not to the user himself or herself. In applicants' invention, as recited in claims 7 and 12, the unique identifier is assigned to the user, not to the user's mobile station. The fact that Liao assigns the identifier to the mobile station and not the user is the underlying reason why Liao's teaching does not include binding of the IP address and the unique identifier. Liao's approach may work well for today's telephony, but using Liao's teaching the user can not get mobile terminated TCP sessions when away from the home network. Applicants' invention wherein the unique identifier is assigned to the user instead of the mobile station provides personal mobility for the user and also allows him or her to receive calls on other devices.

The HAWAII architecture approach proposed by LaPorta requires a home agent (118 in Fig. 1) to work as an intermediary to encapsulate and forward correspondent node messages to the mobile station, and without this home agent HAWAII will not work and hand-off fails. In applicants' invention such a home agent is not employed. Further, as noted in the section of LaPorta quoted by the Examiner the HA or home address (Figure 3, element 170) is assigned to the device while it is in the home domain. It is not a personal identifier of the mobile user, as recited in claims 7 and 12.

Further, applicants submit that there is no basis or incentive for combining Liao and LaPorta and any such combination would, if somehow made, still lack applicants'

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unique contribution of assigning a personal identifier to the mobile user and not the mobile station.

Reconsideration and allowance of claims 7 and 12, as amended, are therefore requested.

In as much as claims 3, 4, 5, 9, 10, 14, and 15 have been deemed allowable, claims 2, 8, and 13 have been amended to be allowable, and claims 7 and 12 are believed to be clearly allowable, as discussed above. It is submitted that this application is in condition to be passed to issue, and such action is respectfully requested. However, if the Examiner believes it would in any way expedite the prosecution of this application, he is invited to telephone applicants' attorney at the number set forth below.

Respectfully submitted,

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